



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,226	12/28/2000	Jonathan M. Zweig	3239P064	9354
8791	7590	07/01/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			KADING, JOSHUA A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,226

Applicant(s)

ZWEIG ET AL.

Examiner

Joshua Kading

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 12, 14, 15 and 17-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7, 12, 14, 15 and 17-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The amendment filed 8 March 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Appendix A.

Applicant is required to cancel the new matter in the reply to this Office Action.

It should be noted that if applicant intended appendix A to be considered as relevant art, it must be listed properly in an Information Disclosure Statement. See MPEP § 609.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,115,390, Chuah.

Regarding claims 1, 5, 17, and 20, Chuah discloses, a computer program (*col. 8, lines 54-58 where Windows is a program*) and "a wireless network system comprising:
a plurality of wireless units (*figure 2, elements 232*);
a fixed backbone network (*figure 2, element 238*); and
an access point in communication with both the fixed backbone network and the plurality of wireless units (*figure 2, element 236*), the access point to: (i) transmit a cast frame for one of the plurality of wireless units, the cast frame comprises a first address field including a first medium access control address assigned to a group of wireless units and a second address field including a second MAC address associated with a device transmitting the cast frame (*figure 7D as described in col. 16, lines 5-11 specifically regarding the broadcast portion*), and (ii) receive a data frame, being a frame assembled in accordance with IEEE 802.11 (*col. 14, lines 30-34*) having a type field identifying the frame to be a data type, from the one of the plurality of wireless units in response to the one of the plurality of wireless units receiving the cast frame for acknowledgement of receipt of the cast frame, an address field of the data frame including the second MAC address of the second address field of the cast frame (*figure 8E as read in col. 17, lines 54-58*)."

Regarding claims 2 and 18, Chuah discloses, "the cast frame is a multicast frame assembled in accordance with Institute of Electrical and Electronics Engineers (IEEE) 802.11 (*col. 14, lines 30-34 and figure 6B shows a broadcast/multicast frame structure*)."

Regarding claims 3 and 19, Chuah discloses, "the cast frame is a broadcast frame assembled in accordance with Institute of Electrical and Electronics Engineers (IEEE) 802.11 (*col. 14, lines 30-34 and figure 6B shows a broadcast/multicast frame structure*)."

Regarding claims 4 and 21, Chuah discloses, "the cast frame comprises a first address field including a first medium access control (MAC) address assigned to a group of wireless units and a second address field including a second MAC address associated with a device transmitting the cast frame (*col. 16, lines 5-11*)."

Regarding claim 6, Chuah discloses, "the destination device is a wireless unit (*figure 2, elements 232 and 238*)."

Regarding claim 7, Chuah disclose, "the cast frame comprises a first address field including a plurality of bits set to a predetermined value and a second address field including a MAC address associated with a device transmitting the cast frame (*col. 16, lines 5-11*)."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2661

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah in view of IEEE 802.11 (Chapter 7, provided by applicant) in further view of U.S. Patent 5,754,947, Tanabe et al. (Tanabe).

Regarding claim 14, Chuah discloses "a method comprising: transmitting an Eavesdrop Unicast frame to a destination device by a transmitting device (*figure 7D, col. 16, lines 5-11 specifically the unicast portion*)...receiving at the transmitting device a data frame assembled in accordance with IEEE 802.11 (*col. 14, lines 30-34*) having a type field identifying the frame to be a data type, from the destination device in response to the destination device receiving the Eavesdrop Unicast frame for acknowledgement of receipt of the unicast frame (*figure 8E as read in col. 17, lines 54-58*)..."

However, Chuah lacks what IEEE 802.11 discloses "the Eavesdrop Unicast frame includes at least four address fields, a first address field including a destination address of the destination device and a fourth address field including a medium access control (MAC) address assigned to a plurality of devices including the destination device (*page 44, figure 22 shows the structure of a data frame which is the same as applicant's Eavesdrop Unicast packet shown in figure 8 of the specification*)." It would have been obvious to include the structure of the Eavesdrop Unicast packet so as to conform to the IEEE 802.11 protocol. The motivation for conforming to the protocol is so that there is a standard of communication that allows many users to communicate.

However, Chuah and IEEE 802.11 further lack what Tanabe discloses, “the contents of the first address field of the data frame having been overwritten with contents from the fourth address field of the Eavesdrop Unicast frame (*col. 16, lines 7-14 where this is saying that the ACK frame is sent to the initial source, and the source address of the received frame is what is used as the destination address of the ACK frame*).”

5. It would have been obvious to one with ordinary skill in the art at the time of invention to include the using the source address of the received frame as the destination address of the ACK frame for the purpose of acknowledging the received frame to the sending node. The motivation for acknowledging a received frame is to detect and correct frame loss or frame error by having the sending node retransmit based on the reception (or non-reception) of the ACK frame.

Regarding claim 12, IEEE 802.11 and Tanabe lack what Chuah further discloses, “scanning a channel carrying the Eavesdrop Unicast frame by a plurality of devices including the destination device (*col. 17, lines 54-58 where the wireless units must be scanning in order to receive the frame and then respond to it*); receiving of the Eavesdrop Unicast frame by the destination device (*col. 17, lines 54-55 where the response sent by the destination device indicates receipt of the frame*)”. It would have been obvious to one with ordinary skill in the art at the time of invention to include the scanning and receiving for the same reasons and motivation as in claim 14.

Regarding claim 15, IEEE 802.11 and Tanabe lack what Chuah discloses, "the destination device is a wireless unit (*figure 2, elements 232 and 238*).” It would have been obvious to one with ordinary skill in the art at the time of invention to include the wireless unit for the same reasons and motivation as in claim 14.

Response to Arguments

6. Applicant's arguments with respect to claims 1-7, 12, 14, 15, and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

June 24, 2005



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600